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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 3138

12 Olivia Goodrow
1098 Woodcreek Oaks Blvd. #905
13 Roseville, CA 95747

DEFAULT DECISION
AND ORDER

Respondent.

[Gov. Code, §11520]

14
15 **FINDINGS OF FACT**

16 1. On or about June 10, 2008, Complainant Virginia Herold, in her official
17 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
18 filed Accusation No. 3138 against Olivia A. Goodrow (Respondent) before the Board of
19 Pharmacy.

20 2. On or about January 28, 2004, the Board of Pharmacy (Board) issued
21 Pharmacy Technician License No. TCH 54846 to Respondent. The Pharmacy Technician
22 License expired on November 30, 2007, and has not been renewed.

23 3. On or about June 25, 2008, Donna H. Parker, an employee of the
24 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
25 3138, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
26 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
27 which was and is: 1908 Woodcreek Oaks Blvd. #905, Roseville, CA 95747. A copy of the
28 Accusation is attached as exhibit A, and is incorporated herein by reference.

1 4. Service of the Accusation was effective as a matter of law under the
2 provisions of Government Code section 11505, subdivision (c).

3 5. In June of 2008, the aforementioned documents were returned by the U.S.
4 Postal Service marked "not deliverable as addressed." On or about July 23, 2008, service of the
5 aforementioned documents was also made to respondent at 8509 El Lago Court, Antelope, CA
6 95843, an address listed in the investigatory report. The documents were sent via certified and
7 regular mail. A green return receipt card was received signed, "Chelsea Schreiner" dated July 24,
8 2008. A true and correct copy of the return mail documents are attached hereto as exhibit B, and
9 is incorporated herein by reference.

10 6. Business and Professions Code section 118 states, in pertinent part:

11 (b) The suspension, expiration, or forfeiture by operation of law of a
12 license issued by a board in the department, or its suspension, forfeiture, or
13 cancellation by order of the board or by order of a court of law, or its surrender
14 without the written consent of the board, shall not, during any period in which it
15 may be renewed, restored, reissued, or reinstated, deprive the board of its
authority to institute or continue a disciplinary proceeding against the licensee
upon any ground provided by law or to enter an order suspending or revoking the
license or otherwise taking disciplinary action against the license on any such
ground.

16 7. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the
18 respondent files a notice of defense, and the notice shall be deemed a specific
19 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

20 8. Respondent failed to file a Notice of Defense within 15 days after service
21 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
22 Accusation No. 3138.

23 9. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at
25 the hearing, the agency may take action based upon the respondent's express
admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent.

26 10. Pursuant to its authority under Government Code section 11520, the Board
27 finds Respondent is in default. The Board will take action without further hearing and, based on
28

the evidence on file herein, finds that the allegations in Accusation No. 3138 are true.

11. The total cost for investigation and enforcement in connection with the Accusation are \$1,975.00 as of November 20, 2008.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Olivia A. Goodrow has subjected her Pharmacy Technician License No. TCH 54846 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician License based upon the following violations alleged in the Accusation:

a. On or about May 4, 2007, Respondent admitted that while she was employed as a pharmacy technician at Longs Drugs Store Number 387 in Roseville, California, on four occasions she obtained Norco aka Hydrocodone 10/325 in the name of patient B. T.. Each time Respondent obtained 240 tablets from the pharmacy and provided it to "Jody" or his roommate in exchange for money.

Respondent admitted that she chose a patient in the patient profiles who had a prescription for Norco and hadn't filled the prescription for a while. Respondent added a refill and increased the quantity of the old prescription for Norco. In doing so, Respondent admitted: "By doing this, I was forging the Dr.'s consent to fill the RX."

b. An investigation was conducted by Longs Loss Prevention Office who uncovered the following diversion of Norco aka Hydrocodone APAP 10/325 by the Respondent:

<u>Patient</u>	<u>Prescription</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date of Diversion</u>
B.T	724817	HC/AP 10/325	240	1/19/2007
			240	2/7/2007
			240	2/28/2007
			240	3/21/2007
			240	4/7/2007
"A"	732988	HC/AP 10/35	240	4/25/2007
			360	4/6/2007

<u>Patient</u>	<u>Prescription</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date of Diversion</u>
"B"	729196	HC/AP 10/35	240	3/1/2007
			240	3/28/2007
			240	4/25/2007
"C"	727486	HC/AP 10/35	180	3/16/2007

A total loss of 2,700 tablets of Hydrocodone APAP 10/325 was uncovered.

c. Respondent is subject to disciplinary action under section 4301 (f) in that she was dishonest and committed fraud or deceit in falsely creating prescriptions in order to divert approximately 1,000 dosages of Norco aka Hydrocodone APAP 10/325 in that on or about May 4, 2007, respondent admitted to fraudulently authorizing or modifying a prescriptions.

d. Respondent is subject to disciplinary action under section 4301 (g) and (o) in that she falsified prescriptions in order to obtain controlled substances in that on or about May 4, respondent admitted to fraudulently authorizing or creating false prescriptions in order to obtain controlled substances.

e. Respondent is subject to disciplinary action under section Health and Safety Code section 11350 and Business and Professions Code section 4060 for possession of Schedule III controlled substances without a valid prescription in that on or about May 4, 2007, respondent admitted possession of controlled substances for which she did not have a valid prescription.

f. Respondent is subject to disciplinary action under section Health and Safety Code section 11351 and 11352 in that she possessed controlled substances for sale, in that on or about May 4, 2007, respondent admitted that she provided the controlled substances that she obtained illegally to another party in exchange for money.

ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 54846, heretofore issued to Respondent Olivia A. Goodrow, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on

within seven (7) days after service of the Decision on Respondent. The agency in its discretion

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1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
2 statute.

3 This Decision shall become effective on March 11, 2009.

4 It is so ORDERED February 9, 2009

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6 BOARD OF PHARMACY
7 DEPARTMENT OF CONSUMER AFFAIRS
8 STATE OF CALIFORNIA

9
10 By



KENNETH H. SCHELL

Board President

30599018.wpd

DOJ docket number:SA2007103483

11
12 Attachment:

13 Exhibit A: Accusation No.3138

14 Exhibit B: Returned mail
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Exhibit A

Accusation No. 3138

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No: 3138

12 OLIVIA A. GOODROW
1098 Woodcreek Oaks Blvd. #905
13 Roseville, CA 95747
Pharmacy Technician Registration No. TCH
14 54846

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about January 28, 2004, the Board of Pharmacy issued Pharmacy
22 Technician Registration Number TCH 54846 to Olivia A. Goodrow (Respondent). The
23 Pharmacy Technician Registration expired on November 30, 2007, and has not been renewed.

24 JURISDICTION

- 25 3. This Accusation is brought before the Board of Pharmacy (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.

28 ///

1 4. Section 118, subdivision (b), of the Code provides that the expiration of a
2 or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
3 disciplinary action during the period within which the license may be renewed, restored, reissued
4 or reinstated.

5 5. Section 4300 of the Code states in pertinent part:

6 "(a) Every license issued may be suspended or revoked.

7 "(b) The board shall discipline the holder of any license issued by the board,
8 whose default has been entered or whose case has been heard by the board and found guilty, by
9 any of the following methods:

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

12 "(3) Suspending his or her right to practice for a period not exceeding one year.

13 "(4) Revoking his or her license.

14 "(5) Taking any other action in relation to disciplining him or her as the board in
15 its discretion may deem proper.

16 6. Section 4301 of the Code states in pertinent part:

17 "The board shall take action against any holder of a license who is guilty of
18 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
19 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
20 following:

21 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
22 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
23 otherwise, and whether the act is a felony or misdemeanor or not.

24 "(g) Knowingly making or signing any certificate or other document that falsely
25 represents the existence or nonexistence of a state of facts.

26 "(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving
27 away, or administering or offering to sell, furnish, give away, or administer any controlled
28 substance to an addict.

1 "(j) The violation of any of the statutes of this state, or any other state, or of the
2 United States regulating controlled substances and dangerous drugs.

3 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or
4 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
5 applicable federal and state laws and regulations governing pharmacy, including regulations
6 established by the board or by any other state or federal regulatory agency.

7 7. Section 4022 of the Code states

8 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
9 self-use in humans or animals, and includes the following:

10 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
11 without prescription," "Rx only," or words of similar import.

12 "(b) Any device that bears the statement: "Caution: federal law restricts this
13 device to sale by or on the order of a _____," "Rx only," or words of similar import, the
14 blank to be filled in with the designation of the practitioner licensed to use or order use of the
15 device.

16 "(c) Any other drug or device that by federal or state law can be lawfully
17 dispensed only on prescription or furnished pursuant to Section 4006."

18 8. Section 4059 of the Code states, in pertinent part, that a person may not
19 furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist,
20 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not
21 furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist,
22 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

23 9. Section 4060 of the Code states:

24 "No person shall possess any controlled substance, except that furnished to a
25 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
26 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a
27 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section
28 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to

1 Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause
2 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall
3 not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
4 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
5 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
6 labeled with the name and address of the supplier or producer.

7 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
8 a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs
9 and devices."

10 10. Section 4323 of the Code states:

11 "Every person who, in order to obtain any drug, falsely represents himself or
12 herself to be a physician or other person who can lawfully prescribe the drug, or falsely
13 represents that he or she is acting on behalf of a person who can lawfully prescribe the drug, in a
14 telephone or electronic communication with a pharmacist, shall be punished by imprisonment in
15 the county jail for not more than one year."

16 11. Section 4324 of the Code states:

17 "(a) Every person who signs the name of another, or of a fictitious person, or
18 falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any
19 prescription for any drugs is guilty of forgery and upon conviction thereof shall be punished by
20 imprisonment in the state prison, or by imprisonment in the county jail for not more than one
21 year.

22 "(b) Every person who has in his or her possession any drugs secured by a forged
23 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the
24 county jail for not more than one year."

25 12. Section 4328 of the Code states:

26 "Except as otherwise provided in this chapter, any person who permits the
27 compounding or dispensing of prescriptions, or the furnishing of dangerous drugs in his or her
28 pharmacy, except by a pharmacist, is guilty of a misdemeanor."

1 13. Health and Safety Code section 11351 states:

2 "Except as otherwise provided in this division, every person who possesses for
3 sale or purchases for purposes of sale (1) any controlled substance specified in subdivision (b),
4 (c), or (e) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of
5 Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision
6 (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is
7 a narcotic drug, shall be punished by imprisonment in the state prison for two, three, or four
8 years."

9 14. Health and Safety Code section 11352 states:

10 "(a) Except as otherwise provided in this division, every person who transports,
11 imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import
12 into this state, sell, furnish, administer, or give away, or attempts to import into this state or
13 transport (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of
14 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of
15 Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision
16 (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is
17 a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or
18 veterinarian licensed to practice in this state, shall be punished by imprisonment in the state
19 prison for three, four, or five years.

20 "(b) Notwithstanding the penalty provisions of subdivision (a), any person who
21 transports for sale any controlled substances specified in subdivision (a) within this state from
22 one county to another noncontiguous county shall be punished by imprisonment in the state
23 prison for three, six, or nine years."

24 15. Health and Safety Code Section 11368 provides:

25 Every person who forges or alters a prescription or who issues or utters an altered prescription, or
26 who issues or utters a prescription bearing a forged or fictitious signature for any narcotic drug,
27 or who obtains any narcotic drug by any forged, fictitious, or altered prescription, or who has in
28 possession any narcotic drug secured by a forged, fictitious, or altered prescription, shall be

1 punished by imprisonment in the county jail for not less than six months nor more than one year,
2 or in the state prison.

3 16. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate also
4 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and
5 Safety Code section 11056(e)(4), and 325 mg. acetaminophen per tablet.

6 17. Section 125.3 of the Code provides, in pertinent part, that the
7 Board may request the administrative law judge to direct a licensee found to have committed a
8 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
9 investigation and enforcement of the case.

10 18. On or about May 4, 2007, Respondent admitted that while she was
11 employed as a pharmacy technician at Longs Drugs Store Number 387 in Roseville, California,
12 on four occasions she obtained Norco aka Hydrocodone 10/325 in the name of patient B. T..
13 Each time Respondent obtained 240 tablets from the pharmacy and provided it to "Jody" or his
14 roommate in exchange for money.

15 Respondent admitted that she chose a patient in the patient profiles who had a
16 prescription for Norco and hadn't filled the prescription for a while. Respondent added a refill
17 and increased the quantity of the old prescription for Norco. In doing so, Respondent admitted:
18 "By doing this, I was forging the Dr.'s consent to fill the RX."

19 19. An investigation was conducted by Longs Loss Prevention Office who
20 uncovered the following diversion of Norco aka Hydrocodone APAP 10/325 by the
21 Respondent:

<u>Patient</u>	<u>Prescription</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date of Diversion</u>
B.T	724817	HC/AP 10/325	240	1/19/2007
			240	2/7/2007
			240	2/28/2007
			240	3/21/2007

26 ///

27 ///

28 ///

<u>Patient</u>	<u>Prescription</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date of Diversion</u>
B.T.	724817	HC/AP 10/325	240	4/7/2007
			240	4/25/2007
"A"	732988	HC/AP 10/35	360	4/6/2007
"B"	729196	HC/AP 10/35	240	3/1/2007
			240	3/28/2007
			240	4/25/2007
"C"	727486	HC/AP 10/35	180	3/16/2007

A total loss of 2,700 tablets of Hydrocodone APAP 10/325 was uncovered.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional conduct/ Dishonesty, Fraud, or Deceit)

20. Respondent is subject to disciplinary action under section 4301 (f) in that she was dishonest and committed fraud or deceit in falsely creating prescriptions in order to divert approximately 1,000 dosages of Norco aka Hydrocodone APAP 10/325. The circumstances are as follows:

21. On or about May 4, 2007, respondent admitted to fraudulently authorizing or modifying a prescription as set forth more specifically above in paragraph 18.

SECOND CAUSE FOR DISCIPLINE

(Falsifying a Prescription)

22. Respondent is subject to disciplinary action under section 4301 (g) and (o) in that she falsified prescriptions in order to obtain controlled substances. The circumstances are as follows:

23. On or about May 4, Respondent admitted to fraudulently authorizing or creating false prescriptions in order to obtain controlled substances as set forth more specifically above in paragraph 18.

THIRD CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance)

24. Respondent is subject to disciplinary action under section Health and Safety Code section 11350 and Business and Professions Code section 4060 for possession of Schedule III controlled substances without a valid prescription. The circumstances are as follows:

///

1 25. On or about May 4, 2007, respondent admitted possession of controlled
2 substances for which she did not have a valid prescription. The details are set forth in paragraph
3 18, above.

4 FOURTH CAUSE FOR DISCIPLINE

5 (Possession of a Controlled Substance for Sale)

6 26. Respondent is subject to disciplinary action under section Health and
7 Safety Code section 11351 and 11352 in that she possessed controlled substances for sale. The
8 circumstances follow:

9 27. On or about May 4, 2007, respondent admitted that she provided the
10 controlled substances that she obtained illegally to another party in exchange for money. The
11 details are set forth in paragraph 18, above

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

15 A. Revoking or suspending Pharmacy Technician Registration Number TCH
16 54846, issued to Olivia A. Goodrow,

17 B. Ordering Olivia A. Goodrow to pay the Board of Pharmacy the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3; and

20 C. Taking such other and further action as deemed necessary and proper.

21 DATED: 6/10/08

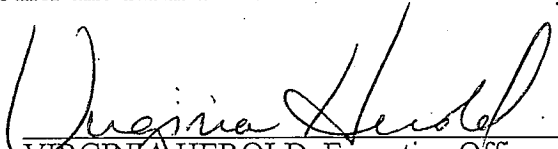
22 
23 VIRGINIA HEROLD, Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant
28



Exhibit B
Returned mail

2. Article Number



7160 3901 9845 7114 9263

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)

☐ Yes

1. Article Addressed to:

Olivia A. Goodrow
8509 El Lago Court
Antelope, CA 95843

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

Olivia A. Goodrow

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

PS Form 3811, January 2005

Domestic Return Receipt

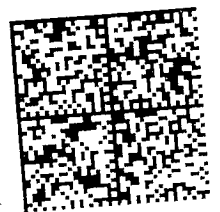
\$42007103483
Elena L. Almanzo
Re-servé Accusation
Second Time

PLACE STICKER ATTACHED TO THE RIGHT
OF RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



7160 3901 9845 4820 6838



049J8202
\$06.
06/25/12
Mailed From
US PS

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
OFFICE OF ATTORNEY GENERAL
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Olivia A. Goodrow
1098 Woodcreek Oaks Blvd. #905
Roseville, CA 95747

NOT DELIVERABLE
AS ADDRESSED;
UNABLE TO FORWARD

AMV

2. Article Number



7160 3901 9845 4820 6838

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:
Olivia A. Goodrow
1098 Woodcreek Oaks Blvd. #905
Roseville, CA 95747

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

C. Signature

B. Date of Delivery

D. Is delivery address different from item 1? ☒ X

If YES, enter delivery address below: ☐ Agent ☐ Addressee ☐ Yes ☐ No

RETURN RECEIPT REQUESTED
USPS MAIL CARRIER
DETACH ALONG PERFORATION

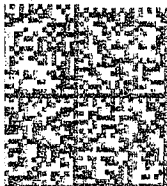
Thank you for using Return Receipt Service

PS Form 3811, January 2005

Domestic Mail

SA2007103483
Elena L. Almanzo
Goodrow Accusation Pac.

Thank you for using Return Receipt Service

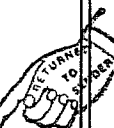


\$01340
06/25/2008
Mailed From 95814
US POSTAGE

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE
OFFICE OF ATTORNEY GENERAL

P.O. BOX 944255
SACRAMENTO, CA 94244-2550



NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

Olivia A. Goodrow
1098 Woodcreek Oaks Blvd. #905
Roseville, CA 95747

9/12